

In re Appln. of Vander Aa et al.
Application No. 10/068,017

REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the following remarks.

The Pending Claims

Claims 1, 2, and 6-27 are currently pending. Each claim is directed to a method of lithographic printing.

Summary of the Office Action

Claims 1, 2, and 6-8, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Vermeersch et al. '494 (i.e., EP 770,494) in view of Teng (i.e., U.S. Patent 6,482,571) and Moss et al. (i.e., EP 640,478). Claims 9, 10, and 13-15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Vermeersch et al. '494 in view of Teng and Moss et al., and further in view of Kingman et al. (i.e., U.S. Patent 6,140,392). Claims 16-20, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Vermeersch '128 (i.e., U.S. Patent 5,786,128) in view of Teng and Moss et al. Claims 21, 22, and 23-25 as well as claims 26-27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Vermeersch et al. '128 in view of Teng and Moss et al., and further in view of Kingman et al.

Discussion of the Obviousness Rejections

(a) Claims 1, 2, and 6-8, 11, and 12

The Office has rejected claims 1, 2 and 6-8, 11, and 12 under 35 U.S.C. § 103(a) as allegedly obvious in view of and, therefore, unpatentable over Vermeersch et al. '494 in view of Teng et al. and Moss et al. This rejection is traversed for the reasons set below.

The Office acknowledges that Vermeersch et al. does not teach a single fluid ink or unwinding the imaging material from a supply spool, wrapping the imaging material around a plate cylinder, and removing the printing master from the plate cylinder. However, the Office contends that these deficiencies are cured by Teng and

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Moss et al. Applicants respectfully disagree that the references may properly be combined in the manner suggested in the Office Action.

The Teng disclosure does not justify the broad teaching attributed to this reference by the Office Action. One reading Teng would understand that the on-press processing of plates using single fluid inks is not applicable to any plate type, but is limited solely to the specific plate types described in Teng: "[t]he recently introduced single fluid ink by Flink [sic-Flint] Ink Company, which can be used for printing wet lithographic plate without the use of fountain solution, can also be used for the on-press development and printing of the plate of this invention." *See, e.g., col. 9, lines 55-59 (emphasis added)*. The Teng plates are restricted to those having a thermosensitive layer capable of hardening or solubilization upon exposure to an infrared radiation, and its teaching is limited to those plates due to the absence of any suggestion in Teng itself that the process could successfully be used on other plate types. *See, e.g., col. 4, lines 31-35*. That Teng does not negate the use of the process in other plate types is insufficient to support the rejection—silence cannot provide a teaching or suggestion. There must be a passage in the reference itself that affirmatively sets forth the teaching or suggestion relied upon in the Office Action. Absent this, extending the teaching of a reference to technologies not described or mentioned in the reference itself is improper. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant's disclosure." *See MPEP § 706.02(j)*.

The technologies disclosed in Vermeersch '494 and Teng are wholly distinct, and are not properly combinable. Unlike Teng, Vermeersch '494 uses polymers in its imaging layer, *see, e.g., col. 2, line 44*, and there is no teaching or suggestion to use any polymerizable materials in its imaging layer. Teng, on the other hand, uses polymerizable materials, such as monomers, *See, e.g., col. 6, line 9*, and there is no teaching or suggestion to use polymers in its imaging layer. Since, the two technologies are so different, and there is nothing in the references themselves that supports their combination (as discussed in the preceding paragraph), the rejection should be withdrawn.

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The addition of Moss et al. fails to provide the aforementioned teaching absent from Vermeersch et al. '494 and Teng.

Based on the foregoing, the present invention cannot be said to be obvious in view of Vermeersch et al. '494, in view of Teng and Moss et al. Accordingly, Applicants request the withdrawal of this rejection.

(b) Claims 9, 10, and 13-15

The Office Action has rejected claims 9, 10, and 13-15 under 35 U.S.C. § 103(a) as allegedly being obvious in view of and, therefore, unpatentable over Vermeersch et al. '494 in view of Teng and Moss et al., and further in view of Kingman et al.

Applicants incorporate by reference the arguments in favor of patentability set forth in section (a) above. The Office contends that the teaching of Kingman et al. is directed to certain inks. However, even assuming this teaching is provided, fails to overcome the deficiencies in the references identified in section (a) above. Withdrawal of the rejection based on these arguments is respectfully requested.

(c) Claims 16-20, 23, and 24

The Office has rejected claims 16-20, 23, and 24 under 35 U.S.C. § 103(a) as allegedly being obvious in view of and, therefore, unpatentable over Vermeersch et al. '128 in view of Teng and Moss et al. This rejection is traversed for the reasons set forth below.

The plate technology in claim 16 comprises insolubilization after exposure of a coating comprising aryldiazosulfonates that is removable in a single fluid ink or can be rendered removable in a single fluid ink by exposure to light. Vermeersch et al. '128 uses fully-formed polymers (aryldiazosulfonate) in its imaging layer to render the imaging layer insoluble. But, as the Office acknowledges, Vermeersch et al. '128 does not teach a single fluid ink or unwinding the image material from a supply spool, wrapping the imaging material around a plate cylinder, and removing the printing master from the plate cylinder.

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As discussed in section (a) above (which is incorporated herein by reference), the teaching of Teng is restricted to plates of the type disclosed in Teng. The plate technology used in Vermeersch et al. '128 is totally different from the Teng plate technology. The Teng plate technology requires the use of a thermosensitive layer capable of hardening or solubilization upon exposure to an infrared laser radiation." *See, e.g., col. 4, lines 22-24.* The "hardening is generally achieved through crosslinking or polymerization of the resins." *See, e.g., col. 4, lines 31-33.* In contrast, Vermeersch et al. '128 uses fully-formed polymers in its imaging layers to render the imaging layer insoluble. Since the two technologies are so different, and there is nothing in the references themselves that supports their combination (as discussed in the prior paragraphs concerning Teng), the rejection should be withdrawn.

(d) Claims 21, 22, and 23-27

The Office Action has rejected claims 21, 22, and 23-27 under 35 U.S.C. § 103(a) as allegedly being obvious in view of and, therefore, unpatentable over Vermeersch et al. '128 in view of Teng and Moss et al. and further in view of Kingman et al. The Office Action contends that the teaching of Kingman et al. is directed to certain inks. This rejection is traversed for the reasons set forth below.

At the outset, Applicants incorporate by reference the arguments in favor of patentability set forth above in section (c). The rejection should be withdrawn on this basis alone.

Further, there is no basis in the references themselves to support the alleged combination. The Kingman fluid is comprised of continuous ink and a non-aqueous polar solvent. However, there is no teaching in Vermeersch et al. '128 that the Kingman fluid would work in the Vermeersch et al. '128 system. In contrast to Kingman et al., Vermeersch et al. '128 prefers water as a developing fluid. *See, e.g., col. 8, ll. 32-38.* The use of the Kingman fluid, which is not water *per se* (and which would also not be categorized as an aqueous liquid), would directly conflict with the teaching in the Vermeersch et al. '128 patent. Because there is no motivation in the references themselves to use the non-aqueous Kingman fluid in the Vermeersch et al. '128 method,

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an obviousness rejection entered against claims 21, 22 or 23- 27 on this basis would be improper.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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